

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re) Chapter 7
) Case No. 17-17636
Jasmin & Christian Mendoza,) Hon. Janet S. Baer
) (Kane County)
) Hearing Date: March 23, 2018
Debtor.) Time: 11:00 a.m.

COVER SHEET FOR APPLICATION FOR
PROFESSIONAL COMPENSATION

Name of Applicant: Baldi Berg, Ltd.

Authorized to Provide
Professional Services to: Elizabeth C. Berg, Trustee

Date of Order Authorizing
Employment: August 11, 2017

Period for Which
Compensation is sought: July 13, 2017 to Close of Case

Amount of Fees sought: \$1,250.00*

Amount of Expense
Reimbursement sought: \$0.00

This is an: Interim Application ☐ Final Application ☒

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Total Requested (Fees & Expenses)</u>	<u>Total Allowed</u>
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Not Applicable

The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$ -0-.

Dated: February 13, 2018

Baldi Berg, Ltd.

By: /s/Elizabeth C. Berg

*\$1,250.00 is a voluntarily reduced amount. Total value for services rendered is \$1,750.50.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re	)	Chapter 7
	)	Case No. 17-17636
Jasmin & Christian Mendoza,	)	Honorable Janet S. Baer
	)	(Geneva)
Debtors.	)	Hearing Date: March 23, 2018
	)	Hearing Time: 11:00 a.m.

**First Application for Allowance and Payment of Final Compensation
of Baldi Berg, Ltd., Attorneys for Trustee**

Baldi Berg, Ltd. ("BB"), attorneys for Elizabeth C. Berg, as trustee ("Trustee") of the estate ("Estate") of Jasmin & Christian Mendoza, debtors ("Debtors"), pursuant to section 330 of title 11, United States Code ("Code"), request this Court to enter an order for the allowance and payment to BB of \$1,250.00 as final compensation for 7.70 hours of legal services rendered to the Trustee from July 13, 2017 through the close of this case. In support thereof, BB respectfully states as follows:

Introduction

1. The Debtor commenced this case on June 9, 2017 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.

2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.

3. As of the commencement of this case, the Estate's sole asset was a potential avoidance action under §548 of the Code against the Debtors to recover pre-petition loan repayments made by Debtors to their 401(k) plans totaling approximately \$9,000.00 ("Loan Repayments").

4. The bar date for filing general unsecured claims in this case was November 6, 2017 and the bar date for filing governmental claims was December 6, 2017.

Retention of Baldi Berg, Ltd.

5. On August 14, 2017, the Court entered an ordered authorizing Trustee to employ Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. as her counsel in this case. A copy of the

order authorizing Trustee to retain BB is attached hereto as Exhibit A. BB has served as counsel for Trustee at all times since its retention.

6. The professional qualifications and experience of the BB attorneys and paralegals who have performed legal services for the Trustee during the period covered by this Application are set forth in Exhibit B. The attorneys and paralegals who were responsible for representing the Trustee in this case are:

Elizabeth C. Berg – Partner
Joseph A. Baldi - Partner
Jason M. Manola – Paralegal

Prior Compensation and Expense Reimbursement

7. This is the first and final application ("Application") for allowance and payment of compensation and expense reimbursement that BB will file in this case.

Services Rendered by BB

8. Itemized and detailed descriptions of the specific services rendered by BB to the Trustee for which compensation is sought in this Application are reflected on the billing statements attached hereto as Exhibit C. The billing statements set forth the name of each attorney or paralegal, the amount of time spent rendering each service, the date on which each service was rendered, a description of the service rendered and the total number of hours of services rendered by each attorney or paralegal in each category.

9. The services rendered by BB were in connection with general case administration matters. BB advised the Trustee regarding her duties and obligations under the Code. BB thoroughly reviewed and analyzed the Debtors' paystubs regarding loan repayments made by the Debtors. BB researched the issue of whether these pre-petition loan repayments to their 401k was an avoidable action against the Debtors. BB prepared and presented motions on behalf of the Trustee including the Trustee's Application to Employ Attorneys as well as a Motion to Settle with the Debtors ("Motion to Settle"). The Trustee's Motion to Settle was approved by this Court pursuant

to an order dated August 28, 2017 [dkt 26]. In addition, BB also advised the Trustee regarding issues related to closing this case and prepared this final fee application. In connection with the foregoing, BB expended 7.70 hours of services for which it requests reduced compensation in the amount of \$1,250.00.

10. All of the services performed by BB were required for proper representation of the Trustee in this case, were authorized by this Court and were performed by BB at the request and direction of the Trustee. Pursuant to Section 330 of the Code and the generally applicable criteria with respect to the nature, extent and value of the services performed, all of BB's services are compensable and the compensation requested herein is fair and reasonable. There has been no duplication of services rendered to the Trustee by BB for which compensation is requested. In those instances, where two attorneys participated in any matter, such joint participation was necessary due to the complexity of the problems involved.

11. The rates charged by the attorneys and paralegals of BB in this Application, as adjusted from time to time, are their usual and customary hourly rates charged during the period covered by this Application for work performed for other clients in both bankruptcy and non-bankruptcy matters. A list of each person who performed services for the Trustee and their hourly rate is contained in the billing statements attached hereto as Exhibit C.

Payment of Compensation

12. BB has not entered into any agreement or understanding of any kind, express or implied, with any other entity to share any compensation or expense reimbursement to be received by BB for services rendered to the Trustee or expenses incurred in connection with this case.

13. BB has not previously received or been promised any payments for services rendered or expenses incurred in this case.

14. The Affidavit of Elizabeth C. Berg pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure is attached hereto as Exhibit D and made a part hereof.

15. The proposed source for payment of the compensation requested in this Application are the Estate funds in the Trustee's possession, collected by her during her administration of this case.

Status of the Case

16. The Trustee has administered all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

17. Trustee has completed and filed her Final Report simultaneously herewith. A final fee application for the Trustee has also been filed concurrently with this Application.

Financial Condition of the Case

18. Trustee currently has \$5,640.00 on deposit in the Estate's bank account. The Chapter 7 administrative expenses that are currently owing and those the Trustee anticipates the Estate will incur prior to the closing of this case include 1) the fees and expenses allowed to Trustee in connection with her final fee application, 2) the legal fees allowed to Baldi Berg, Ltd. in connection with this final fee application, and 3) any other fees which may be due or outstanding to the offices of the United States Trustee and the Clerk of the United States Bankruptcy Court.

19. Following payment of all Chapter 7 administrative expenses set forth above, Trustee anticipates that there will be sufficient funds to make a distribution to general unsecured creditors totaling approximately 6.1% of allowed claims.

Trustee's Approval

20. BB certifies that the Trustee has received, reviewed and approved this Application.

WHEREFORE, Baldi Berg, Ltd., attorneys for Elizabeth C. Berg, as trustee, requests the entry of an order providing the following:

A. Allowing to Baldi Berg, Ltd. final compensation in the amount of \$1,250.00 for actual and necessary professional services rendered to the Trustee from July 13, 2017

through the closing of this case;

- B. Authorizing the Trustee to pay the amounts awarded from the funds in the case as part of her final distribution; and
- C. For such other and further relief as this Court deems appropriate.

Dated: February 2, 2018

Baldi Berg, Ltd.

Attorneys for Elizabeth C. Berg, as trustee of the
estate of Jasmin & Christian Mendoza, Debtors

By: /s/ Elizabeth C. Berg

Elizabeth C. Berg
Baldi Berg, Ltd.
20 N. Clark St. Suite 200
Chicago, IL 60602
312.726.8150

**Baldi Berg, Ltd.
Final Fee Application**

**Jasmin & Christian Mendoza, Debtors
Case No. 17-17636**

Retention Order

Exhibit A

Document Page 1 of 1
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

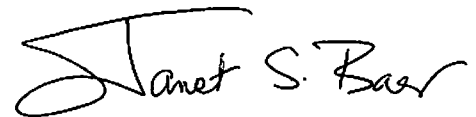
In Re:	)	BK No.: 17-17636
Jasmin Mendoza)	
Christian Mendoza,	)	Chapter: 7
	)	Honorable Janet S. Baer
	)	Kane
Debtor(s))	

Order Authorizing Trustee to Employ Attorneys

THIS CAUSE comes before this Court on the Trustee's Application to Employ Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. as attorneys for Trustee and the supporting affidavit of Elizabeth C. Berg, the Court being fully advised in the premises:

IT IS HEREBY ORDERED that Elizabeth C. Berg, as trustee of the estate of Jasmin and Christian Mendoza, debtors, is authorized to employ Elizabeth C. Berg and the law firm of Baldi Berg, Ltd. to act as counsel for the Trustee, with compensation and reimbursement of expenses to be paid in such amounts as may be allowed by this Court only upon further application.

Enter:



Honorable Janet S. Baer

United States Bankruptcy Judge

Dated: August 11, 2017

Prepared by:

Elizabeth C. Berg
Baldi Berg, Ltd.
20 N. Clark Street, Ste. 200
Chicago, IL 60602
(312) 726-8150

**Baldi Berg, Ltd.
Final Fee Application**

**Jasmin & Christian Mendoza, Debtors
Case No. 17-17636**

Professional Qualifications

Exhibit B

Baldi Berg, Ltd.

Elizabeth C. Berg

Elizabeth C. Berg is a partner of Baldi Berg, Ltd., a Chicago area bankruptcy boutique, and has been with the firm since its inception in April, 2000. Before her affiliation with Baldi, Berg, Mrs. Berg worked at the Chicago law firms of Schwartz & Freeman; Rosenthal and Schanfield; and Weissman, Smolev & Pond.

Mrs. Berg has specialized in bankruptcy law since her admission to the bar in 1989 and has focused her practice in the representation of bankruptcy trustees, primarily in chapter 7 bankruptcies. Since 2010, Mrs. Berg has served on the panel of private bankruptcy trustees appointed by the Office of the United States Trustee for the Northern District of Illinois. Prior to her graduation from law school, Mrs. Berg spent six years as a legal assistant, focusing her practice in the areas of secured transactions, mortgage lending, and corporate and bankruptcy law.

Mrs. Berg is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois. She is a member of the National Association of Bankruptcy Trustees and the American Bankruptcy Institute. She has participated in the regional CARE program and delivered credit abuse and financial literacy presentations to area high schools. She has also been a part-time instructor in the Paralegal Studies Department of Northwestern Business College where she taught introductory law classes to prospective legal assistants. Mrs. Berg received her Juris Doctor from Loyola University of Chicago School of Law and her certification as a paralegal from Roosevelt University in Chicago, Illinois. She holds a Bachelor of Arts degree from Brown University in French Language and Culture and studied at La Sorbonne and l'Université de Paris as an undergraduate.

In addition to her legal and academic pursuits, Mrs. Berg has been active in her hometown of Glen Ellyn, Illinois, serving as a Girl Scout Leader and volunteering in a variety of activities at her church and in the local schools.

Baldi Berg, Ltd.

Joseph A. Baldi

Joseph Baldi is the founding member of the Chicago bankruptcy boutique firm of Baldi Berg, Ltd. (formerly Baldi, Berg & Wallace, Ltd.). Prior to establishing the firm in 2000, Mr. Baldi was a partner in the Chicago law firms of Schwartz & Freeman and Rosenthal and Schanfield, P.C., where he served as chairman of bankruptcy and reorganization practice group. In addition to his experience in private practice, Mr. Baldi spent five years as a staff attorney with the Office of the United States Trustee, a component of the United States Department of Justice.

Mr. Baldi has specialized in insolvency law for over 25 years and has extensive experience in a variety of settings, including bankruptcies, workouts, receiverships and assignments for the benefit of creditors. He has represented clients in all sectors of the bankruptcy arena, including debtors, bankruptcy trustees, lenders, claimholders and creditor committees. Mr. Baldi has counseled both individual and corporate debtors in chapter 7, 11, and 13 cases and has significant experience with complex commercial bankruptcies.

In addition to his experience acting as bankruptcy counsel, Mr. Baldi is a long time member of the panel of private bankruptcy trustees appointed by the United States Trustee's Office for the Northern District of Illinois. In over twenty years as a chapter 7 trustee, Mr. Baldi has liquidated a broad range of business entities, including law firms, real estate ventures, distributorships, retail firms and financial service providers. He has also operated numerous businesses as a chapter 11 trustee, including an aluminum manufacturing facility, a steel mini-mill, and an industrial real estate partnership.

Mr. Baldi is licensed to practice law in the state of Illinois and admitted to practice before the Seventh Circuit Court of Appeals and many federal bankruptcy courts in the Midwest. He is a member of the Chicago Bar Association, National Association of Bankruptcy Trustees and American Bankruptcy Institute, where he is a frequent lecturer on a variety of bankruptcy topics.

In addition to his legal pursuits, Mr. Baldi is active in municipal affairs in his hometown of Park Ridge, Illinois and currently serves as a commissioner on the city's Planning and Zoning Commission. Mr. Baldi graduated *cum laude* from the DePaul University College of Law and holds a B.A. in Psychology from Western Illinois University.

Baldi Berg, Ltd.

Jason M. Manola

Jason M. Manola is a paralegal with the firm. Mr. Manola has worked with Baldi Berg, Ltd. since 2011. He is a member of the Chicago Bar Association and the DuPage County Bar Association. Mr. Manola holds his Paralegal Certificate earned at the College of DuPage in Glen Ellyn, Illinois. Mr. Manola received his Bachelor of Arts degree from the University of Iowa in Sports Management and Entrepreneurship.

Baldi Berg, Ltd.

Final Fee Application

Document

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Jasmin & Christian Mendoza, Debtors

Case No. 17-17636

Billing Statements

Exhibit C

Baldi Berg, Ltd.
20 N. Clark Street
Suite 200
Chicago, IL 60602

Phone: (312) 726-8150

Fax: (312) 470-6323

FEIN: 36-4352753

Invoice submitted to:

January 11, 2018

Invoice No: 03000

Elizabeth C. Berg, Trustee
 Baldi Berg, Ltd.
 20 N. Clark Street
 Suite 200
 Chicago, ILLINOIS 60602

In Reference to: *Mendoza - Gen. Admin***Professional Services**

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Charges</u>
7/13/2017	JMM	Draft Application to Employ Attorneys (.8), Draft Affidavit (.1), Draft Proposed Order (.1)	1.00 \$185.00/ hr	\$185.00
7/14/2017	JAB	Research on fraudulent conveyances and 401K loans.	1.00 \$450.00/ hr	\$450.00
8/03/2017	ECB	Draft letter agreement evidencing settlement with Debtors and TR (.2) Email to Ds counsel re same (.1)	0.30 \$325.00/ hr	\$97.50
8/03/2017	JMM	Review email from ECB re: agmt on settlement with debtors, request to draft motion (.2), Draft Trustee's Motion to Settle with Debtors (1.6), Proposed Order (.1), Rule 2002 Notice (.5), Edit Rule 2002 Notice (.3), Send Notice to 25 Creditors (.5), Edit Trustee's App to Employ Attorneys (.3)	3.50 \$185.00/ hr	\$647.50
1/11/2018	JMM	Prepare BB Fee Applications (1.2), Prepare coversheet, affidavit and proposed order (.3), Review and edit Fee Application (.4)	1.90 \$195.00/ hr	\$370.50

Total Fees	\$1,750.50
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Baldi Berg, Ltd

1/11/2018

Mendoza - Gen. Admin

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Total New Charges	\$1,750.50
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Previous Balance	\$0.00
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Balance Due	<u>\$1,750.50</u>
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Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Elizabeth C Berg	0.30	\$325.00
Joseph A Baldi	1.00	\$450.00
Jason M Manola	4.50	\$185.00
Jason M Manola	1.90	\$195.00
	<u>7.70</u>	

**Baldi Berg, Ltd.
Final Fee Application**

**Jasmin & Christian Mendoza, Debtors
Case No. 17-17636**

Rule 2016 Affidavit

Exhibit D

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re	)	Chapter 7
	)	Case No. 17-17636
Jasmin & Christian Mendoza,	)	Hon. Janet S. Baer
	)	(Kane County)
)	
Debtors.)	

Rule 2016 Affidavit

State of Illinois)
County of Cook)

I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

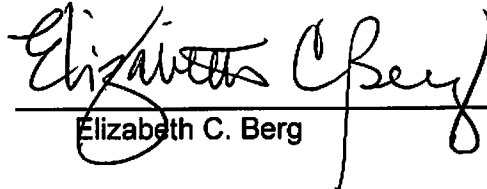
1. I am a shareholder of Baldi Berg, Ltd. and am authorized to execute this affidavit on behalf of Baldi Berg, Ltd.

2. I have read the Application for Allowance and Payment of Final Compensation and Expense Reimbursement of Baldi Berg, Ltd., Attorneys for Trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. Baldi Berg, Ltd. has performed the services and incurred the expenses set forth and described in the Application at the request and pursuant to the direction of the Trustee.

3. A copy of the Application has been provided to Trustee and the Trustee has reviewed and approved the Application.

4. Baldi Berg, Ltd. has not previously received payment of any compensation for services rendered or expenses incurred in connection with this case. Baldi Berg, Ltd. has not entered into any agreement with any other person or persons for the sharing of compensation to be received for services rendered or expense reimbursement to be received for actual expenses incurred in connection with this matter, except among the principals and associates of Baldi Berg.

5. Further affiant sayeth naught.


Elizabeth C. Berg

Subscribed and Sworn to before me
this 31st day of January, 2018


Notary Public



Exhibit D